General Assembly

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Resolution adopted by the General Assembly

[*on the report of the Fifth Committee (A/61/967)*]

61/274. Comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia

The General Assembly,

Having considered the report of the Secretary-General[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolutions 61/241 and 61/242 of 22 December 2006 on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Recalling also section I.E of its resolution 61/239 of 22 December 2006,

1. *Takes note* of the report of the Secretary-General;[1]

2. *Underlines* the importance it attaches to the Tribunals being able to function effectively throughout their completion phases;

3. *Emphasizes* the specialized nature of the Tribunals;

4. *Acknowledges* that the retention of personnel in key positions of the Tribunals is critical to enable the Tribunals to fulfil the completion strategy;

5. *Notes with concern* that there may be difficulties in retaining and recruiting key staff as the Tribunals complete their mandates, as noted in the reports of the Secretary-General[1] and the Advisory Committee on Administrative and Budgetary Questions;[2]

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[1] A/61/824.

[2] A/61/923.

6. *Notes* that a retention incentive could address possible difficulties in retaining personnel in key positions, while other instruments should be explored;

7. *Also notes* that any measures aimed at retaining staff should clearly outline the difficulties experienced by the Tribunals in retaining personnel in key positions during the completion phases of the Tribunals;

8. *Recognizes* that the payment of a retention incentive is not provided for by the United Nations common system and could have implications for the common system, and therefore requests the International Civil Service Commission to advise it on the proposal of the Secretary-General contained in his report no later than the main part of its sixty-second session;

9. *Requests* the Secretary-General, without prejudging any decision on the implementation of measures for staff retention, to submit a report to it no later than the first part of its resumed sixty-second session, which would include cost implications and, inter alia:

(*a*) Updated human resources data, including on current and projected staff turnover, also taking into account the expiration of contracts, the number of staff departures and the identification of key positions where the problem of retention could arise;

(*b*) Drawdown plans for each Tribunal, which would show clearly the anticipated post reductions for each year until the Tribunals complete their mandates;

(*c*) Non-monetary incentives and measures, including those that would take advantage of the foreseen downsizing of staff at the Tribunals, such as outplacement, enhanced system-wide coordination in the areas of career development, mobility and secondment, that are within the United Nations common system and staff regulations and rules;

(*d*) Clear justification for the possible payment of a retention incentive;

(*e*) All legal aspects related to the implementation of a staff retention scheme;

(*f*) Alternative approaches to the calculation of the amount of a retention incentive, including focusing the proposals on core positions, required years of service, possible cap mechanisms and the timing of their payment, as well as the conditions attached to such retention schemes.

104th plenary meeting
29 June 2007